

REMARKS**Summary of the Office Action**

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisamatsu et al. (U.S. Pub. No. 2002/0003815) (hereinafter "Hisamatsu") in view of Hirayama et al. (U.S. Patent No. 6,128,434) (hereinafter "Hirayama").

Summary of the Response to the Office Action

Applicants have amended claims 1, 4 and 7 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-11 remain currently pending for consideration.

Rejections under 35 U.S.C. 103(a)

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisamatsu in view of Hirayama. While Applicants believe that the detailed technical remarks that were submitted in the Preliminary Amendment in RCE that was previously-filed on July 6, 2009 in the instant application still apply, Applicants have amended claims 1, 4 and 7 to differently describe embodiments of the disclosure of the instant application in an effort to advance the prosecution of the instant application. The latest Office Action states at page 1, section 1, that it is "[r]esponsive to communications(s) filed on 09/03/2004." It appears that this date is a typographical error in the Office Action that was intended to read "July 6, 2009." However, if Applicants' understanding is incorrect, clarification is requested to be provided in the next Office Communication by the Examiner.

Independent claim 1 of the instant application specifically describes that the “contents group information” of the instant application includes: “identification information” and “type information.” The contents group information indicates a contents group in which contents are included. These features are shown in Fig. 4 of the instant application, which illustrates that contents group information (CGIFn) includes type information (CTY) and packet identification information (PID). Applicants respectfully submit that the type information (CTY) equates to the “type information” of claim 1 and the packet identification information (PID) equates to the “identification information” of claim 1. The type information indicates the type of a content in the broadcasting information. The packet identification information identifies a relationship between the unit information and the content in the broadcasting information. Applicants respectfully submit that these distinctive features make it possible to identify in which contents group any particular content from the broadcasting information should be included.

As described in previously-filed remarks in the instant application, Applicants explained that the combination of features of independent claim 1 of the instant application has at least two characteristic and remarkable features in that:

(A) the display such as that illustrated in, and described in regard to, Fig. 12 of the instant application is available; and the display of Fig. 12 advantageously enables Applicants to make the combination of the contents voluntarily for one program, and

(B) it advantageously becomes possible to recognize the combination of the contents which are included in the broadcasting information without reproduction of the broadcasting information itself.

On the other hand, Applicants respectfully submit that the Office Action’s applied arrangement from the disclosure of Hirayama is particularly different from the above-discussed

features for at least the following reasons. Applicants respectfully submit that Fig. 2 of Hirayama discloses an arrangement regarding movies (Fig. 2A), for example, combination of B&M (background sound only, DATA STRING "0"), D1+B&M (sound D1 + background sound, DATA STRING "1"), D2 (sound D2 only, DATA STRING "2") and so on. Applicants respectfully submit that Hirayama merely discloses that a user can select contents to be reproduced. Moreover, Applicants respectfully submit that Figs. 3 and 4 of Hirayama disclose a data structure for using these contents (such as credits, sound, pictures, and so on) in a form such as that illustrated in Figs. 2 of Hirayama. More particularly, Applicants respectfully submit that Figs. 3B of Hirayama discloses a reproducible combination of SUB-PICTURE, AUDIO and VIDEO as the DATA UNIT (DUT#n).

However, Applicants respectfully submit that Hirayama does not disclose the feature of the instant application's disclosure in that the contents group information is managed as part of the management information. More particularly, Fig. 4 of the instant application shows that the contents group information is managed as part of the PIF management information. In this regard, in Hirayama, Applicants respectfully submit that the only way to detect what combination(s) of content is able to be reproduced, in the manner discussed above, is to reproduce the DATA UNIT (DUT). See Fig. 3B of Hirayama in this regard.

Also, Applicants respectfully submit that Figs. 4A-4C of Hirayama disclose management information that could be said to be similar to the "PIF" of the instant application. However, Applicants respectfully submit that Figs. 4A-4C of Hirayama only disclose the definitions of the DATA STRING numbers. In other words, Figs. 4A-4C of Hirayama merely show information tables recorded in a management area of a disk.

Accordingly, Applicants respectfully submit that even if the management information disclosed in Figs. 4A-4C of Hirayama is reproduced, it is still not possible to identify the reproducible combination of the contents uniquely in the manner discussed above with regard to the features of the instant application's disclosure. This is because if the DATA STRAIN NUMBER #0 ~ #7, for example, are defined in the management information of Hirayama, each DATA UNIT does not need to have the data corresponding respectively to the DATA STRAIN NUMBER #0 ~ #7 and the management information disclosed in Figs. 4A-4C of Hirayama only functions as typical reference information. In other words, Applicants respectfully submit that Hirayama does not disclose the instant application's features of the contents group information which indicates one or more combinations of the contents which are able to be reproduced.

More particularly in these regards, Applicants respectfully submit that it might be asserted that Figs. 4A-4C of Hirayama appear to show PIF management information that indicates combinations of contents. However, Applicants respectfully submit that the PIF shown in Figs. 4A-4C of Hirayama is particularly different from the PIF features of the instant application's disclosure. Applicants respectfully submit that the PIF shown in Figs. 4A-4C of Hirayama indicates the table of the definitions of the "DATA STRAIN NUMBER." Applicants respectfully submit that the table shown in Figs. 4A-4C of Hirayama is common for all contents recorded on the disk in Hirayama. Accordingly, Applicants note that this table in Hirayama does not indicate the combination of language and audio, for example, for a respective content. This important distinction between Hirayama and the instant application's disclosure will now be discussed in more detail.

Applicants respectfully submit that the table shown in Fig. 4A of Hirayama indicates the languages which are able to be selected by using the menu shown in Fig. 5A of Hirayama.

Applicants respectfully submit that by using the menu shown in Fig. 5A of Hirayama, a user can select the language which the user is able to understand. See col. 8, lines 64-67, col. 9, lines 6-22, and col. 9, lines 34-39 of Hirayama. Applicants respectfully submit that in the disclosure of Hirayama, the menu shown in Fig. 5B is displayed with the language which is selected by using the menu shown in Fig. 5A. Applicants respectfully submit that the language being able to be selected with the menu shown in Fig. 5B is defined in the table shown in Fig. 4B of Hirayama. Applicants respectfully submit that the table shown in Figs. 4A and 4B are connected with each other. See col. 9, lines 6-22 and col. 9 lines 34-39 of Hirayama.

On the other hand, Applicants respectfully submit that, as shown in Figs. 8A and 8B of Hirayama, more than one contents are recorded on the disk generally. See col. 11, lines 60-62 of Hirayama. Applicants respectfully submit that it is important to note that all of these recorded contents do not always support all languages defined in the table shown in Fig. 4A of Hirayama. It is Applicants' opinion that the table shown in Fig. 4B of Hirayama indicates a common definition of languages used in the contents recorded on the disk. Applicants respectfully submit that this table does not indicate any relevance, or correlation information, between particular contents but instead indicates only the languages which are able to be reproduced in the contents commonly.

Applicants respectfully submit that there is every possibility that the contents which are reproduced do not support the language which is selected by using the table shown in Fig. 4B of Hirayama. On the other hand, with the menu shown on Fig. 8B, a user selects a usable language in the contents which is actually reproduced. In other words, Applicants respectfully submit that the language being selected with the menu shown in Fig. 8B is absolutely included in the contents which are reproduced. Applicants have no doubt that the several alternatives of

languages included in the display shown in Fig. 8B are different from the languages indicated in the table shown in Fig. 4B. Applicants respectfully submit that this is because a language which is not able to be reproduced should not be included in the display shown in Fig. 8B.

Accordingly, Applicants respectfully submit that in the disclosure of Hirayama, by using only "VID" or "PIF" of Hirayama, a user cannot select the language, for example, which is able to reproduced.

In this regard, in lines 62-66 of col. 11 of Hirayama, a teaching is provided with regard to Figs. 8A and 8B of Hirayama as follows:

In this case, the first menu screen as shown in FIG. 8A appears (this screen ... in FIG. 5A). When the user selects a language, program 1 and program 2 are displayed along with still pictures of typical scenes, as shown in FIG. 8B.

In other words, Applicants respectfully submit that in Fig. 8B of Hirayama, the language that is not selected by utilizing the display of Fig. 8A are displayed together with the language that is selected by utilizing the display of Fig. 8A. On the other hand, and particularly different from these arrangements of Figs. 8A and 8B of Hirayama, in Fig. 12 of the instant application, only the contents that are able to be selected (used) are displayed. Applicants believe that this underlined feature is an important and significant difference between the disclosure of the instant application and the disclosure of Hirayama.

With regard to this difference, the Examiner stated at lines 1-2 of page 3 of the latest Office Action that "[t]here is no limitation in the claim that says that the a language which is not able to be reproduced should not be included in the display." Accordingly, it is apparent from the Examiner's statement in this regard that the Examiner understands this important difference

between the disclosure of the instant application and the disclosure of Hirayama. Accordingly, in the interest of advancing the prosecution of the instant application, Applicants have decided to proceed by amending each of independent claims 1, 4 and 7 to describe that only contents which are able to be reproduced are included in the display. For example, only the language which is able to be reproduced is included in the display.

Accordingly, for at least the foregoing reasons Applicants respectfully submit that the newly-implemented amendments to independent claims 1, 4 and 7 clearly distinguish from the applied Hisamatsu and Hirayama references, whether taken separately or in combination with each other.

It should be noted that during the Examiner Interview that was conducted on June 23, 2009 in the instant application, the Examiner noted that once an RCE is filed and the Examiner formally examines the new claims in detail, he would place a telephone call to Applicants' undersigned representative in order to further discuss any outstanding issues, such as any possible requests for technical clarifications and/or any possible proposed claim amendments, if necessary at that time. Accordingly, Applicants respectfully requested in the previously-filed response that in accordance with the Examiner's indication of such during the June 23, 2009 telephone interview, in the event that the Examiner deems that this application is not currently in condition for allowance, the Examiner was respectfully requested to place a telephone call to Applicants' undersigned representative at 202-842-8812 to discuss any outstanding issues.

Regretfully, the Examiner issued this latest Office Action dated without contacting Applicants' undersigned representative in the manner that had been previously been discussed with the Examiner during the June 23, 2009 telephone interview. **Accordingly, in the event that the instant Amendment paper does not result in allowance of the instant application,**

the Examiner is respectfully requested once again to place a telephone call to Applicants' undersigned representative at 202-842-8812 to discuss any outstanding issues, especially in light of the fact that Applicants have already taken substantial steps in advancing the prosecution of this application by conducting the above-noted Examiner interview, filing and RCE, and further amending the independent claims in the instant paper.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Hisamatsu and Hirayama, whether taken separately or in combination, do not teach or suggest each feature of newly-amended independent claims 1, 4 and 7 of the instant application. Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claims 1, 4 or 7 and the reasons discussed previously.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: January 14, 2010

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", written over a horizontal line.

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